



Ask the I&R Specialist November 2005

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Now that I'm using a scooter, my landlord is refusing to pay to put a ramp on my porch. Isn't he required under the ADA to do this?

Actually, the law which applies to your situation is the Fair Housing Act. What this federal law states specifically is that while a landlord is not required to make modifications to a rental property, he or she is required to allow a tenant with a disability to modify the property at the tenant's own expense. The landlord may also require you to restore the property to its original state when you vacate. The refusal of a landlord to make and/or pay for modifications does not constitute discrimination, but it is discriminatory to refuse to allow a tenant to make reasonable and appropriate modifications. If you'd like to read up on the Fair Housing Act, the entire text of this law is available at the US Department of Justice website at www.usdoj.gov/crt/housing/title8.htm.

I haven't been on an airplane in several years, and since then I have begun to use a prosthetic limb. I'm going to be flying soon, and I'm concerned about what to expect and what my rights are when going through security.

Of course all airplane travelers, both with and without disabilities, must go through security screenings. By federal law, security screeners can require you to go through metal detection, but they cannot separate a passenger with a disability from his or her mobility device (wheelchair, walker, cane, prosthesis, etc...) or service animal during the procedure. If passing through the gate presents a logistical problem, the staff may instead use a hand-held wand. Security personnel do have a right to thoroughly inspect mobility devices, medical equipment, and any apparatus worn by a service animal, but any traveler has a right to request that such an inspection be done in a private area, out of view of other passengers, and by security staff of one's own sex.

If at any time during your screening you feel that you are being treated inappropriately, you may request that a Complaints Resolution Officer (CRO) be brought to the scene to resolve the dispute. The Air Carriers Access Act, which is a federal law requiring airlines to accommodate the needs of passengers with disabilities, mandates that a CRO be immediately available to mediate between airlines and passengers with disabilities.

For detailed information on traveling by air, check out the information for passengers with disabilities at the websites of the Federal Aviation Administration (www.faa.gov) and the Transportation Security Administration (www.tsa.gov).

My child has autism, and one of my concerns is that he sometimes tries to run when I open the car door. Do we qualify for a handicap license plate so that I can park close to entrances in public places?

Unfortunately, the State of New Jersey will not issue handicap license plates based exclusively on behaviors like running away when a car door is opened. The state requires that an individual must have one or more of the following circumstances in order to make application for handicap parking: severe or permanent disability causing difficulty walking without assistive apparatus, respiratory difficulty falling within specific guidelines, cardiac condition causing specific functional limitations, disability resulting in the inability to walk two hundred feet without resting, and sight impairment of both eyes, as certified by the NJ Commission for the Blind.

Is it true that as long as I have handicap plates or a placard for my car, I can park in a metered space without putting any money in the meter?

The truth is that you are required to “feed” a parking meter when parking with a handicap parking placard or plates. New Jersey State Law specifies that upon leaving one’s car in a metered spot, an individual is to pay the maximum time allotment on that meter one time. Further, you must pay the maximum time allotment on that meter following any twenty-four hour period your car remains in that spot. In other words, if you keep your car in the same spot, after twenty-four hours you will need to put money in the meter again.